

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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DENZEL HOSEA MARTIN, Special Administrator of the Estate of Wesley Hosea Martin,

Case No. 3:23-cv-00423-MMD-CLB

ORDER

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

On November 22, 2024, the Court granted Plaintiff Denzel Martin's motion for substitution under Federal Rule of Civil Procedure 25(a)(1) and gave him until December 21, 2024, to accomplish two tasks: (1) file written notice whether he intended to proceed on the complaint and exhibits filed by Weslie Martin or would file a counseled first amended complaint and (2) either pay the full \$405 filing fee for this action or file an application to proceed in forma pauperis under 28 U.S.C. § 1915. (ECF No. 19.) Plaintiff timely filed written notice that he intends to proceed on the complaint filed by Weslie Martin and submitted proposed summonses. (ECF Nos. 20, 21.) But Plaintiff neither paid the filing fee nor applied for in forma pauperis status.

21 Plaintiff recently contacted the Court inquiring about the status of his proposed
22 summonses. As the Court previously explained, whether Plaintiff's operative pleading is
23 subject to screening under 28 U.S.C. § 1915(e)(2) depends on whether Plaintiff pays the
24 filing fee or applies for in forma pauperis status. (ECF No. 19 at 2.) Because Plaintiff has
25 not addressed the matter of the filing fee, it is not yet time for the Court to issue
26 summonses and order service upon the defendants. But the Court finds that good cause
27 exists to reopen and extend the deadline for Plaintiff to address the matter of the filing
28 fee.

1 It is therefore ordered that the deadline for Plaintiff to either pay the full \$405 filing
2 fee or apply for in forma pauperis status is reopened and extended to February 21, 2025.

3 The Clerk of Court is kindly directed to send Plaintiff a courtesy copy of the
4 application to proceed in forma pauperis for non-inmates with instructions.

5 DATED THIS 22nd Day of January 2025.

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8 MIRANDA M. DU
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10 UNITED STATES DISTRICT JUDGE
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